




SO ORDERED.

SIGNED this 3rd day of June, 2016.


BENJAMIN A. KAHN
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In Re:

**Alton Jeffery Carthens And Vickie Baldwin
Carthens**

CASE NO. 16-80296

Chapter 13

Social Security No. xxx-xx-9577 and xxx-xx-9730
Address: 143 Wheatfield Court, Raeford NC 28376-

Debtors

ORDER AVOIDING JUDICIAL LIEN OF JERRY EDGE

This matter comes before the Court on a motion to avoid a judicial lien held by Jerry Edge ("Respondent") pursuant to 11 U.S.C. § 522(f) and the Federal Rules of Bankruptcy Procedure 4003(d) and 9014. Having considered the motion and other matters in this case, the Court finds and concludes:

1. All parties in interest have received due notice of the motion and no party has timely objected to the relief requested in the motion.
2. Respondent holds a judicial lien which impairs an exemption that has been claimed by the Debtors in the property ("Property") as described in Book 0939 at Page 0987, as recorded on 04/11/11 in the Registry of Deeds for the County of Hoke, North Carolina, which Property may also now or formerly be known as 143 WHEATFIELD COURT RAEFORD NC 28376.
3. The Property is encumbered by the following liens (other than the subject judicial lien) in order of priority:
 - a. Deed of Trust held by Wells Fargo Home Mortgage, which secures indebtedness with an unpaid balance of \$202,061.58 as of the petition date;
 - b. Deed of Trust held by USDA, which secures indebtedness with an unpaid balance of \$31,682.79 as of the petition date;

4. The Debtors claimed an exemption in the Property of \$70,000.00 pursuant to N.C.G.S. § 1C-1601(a)(1),.
5. The total value of the Property as of the Petition Date was \$253,470.00 and the value of the Debtors' interest in the Property (if there were no liens on the Property) was \$253,470.00.
6. The total aggregate of all liens on the Property and the value of the Debtors' exemption exceeds the value of Debtors' interest in the Property by an amount equal to or greater than the amount of the Respondent's Judicial Lien. Respondent's Judicial Lien fully impairs Debtors' exemption, therefore, Respondent's Judicial Lien may be completely avoided pursuant to 11 U.S.C. § 522(f)(1).

Therefore, it is

ORDERED that Respondent's Judicial Lien be and hereby is AVOIDED as to the Property, and Respondent's Judicial Lien shall have no further force or effect as to the Property. It is

FURTHER ORDERED that this Order is to be of no force and effect outside of this Chapter 13 bankruptcy proceeding unless, and until, the Debtors obtain a discharge in this case following the completion of all payments under the Debtors' Chapter 13 plan. A copy of the Order of Discharge is to accompany any recordation of this Order. It is

FURTHER ORDERED that the Register of Deeds for the County of Hoke , North Carolina, is authorized to record in the office of said Register of Deeds a copy of this Order and the Order of Discharge upon being presented with certified copies thereof.

END OF DOCUMENT

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In Re:

**Alton Jeffery Carthens And Vickie Baldwin
Carthens**

CASE NO. 16-80296
Chapter 13

Social Security No. xxx-xx-9577 and xxx-xx-9730
Address: 143 Wheatfield Court, Raeford NC 28376-

Debtors

Debtor Names: Alton Jeffery Carthens Vickie Baldwin Carthens	Case No: 16-80296
Service List for Order Avoiding Judicial Lien:	
Chapter 13 Trustee	John T. Orcutt Attorney for Debtors (by electronic noticing)
JERRY EDGE Attn: Managing Agent C/O Daniel S Harrison 202 Fairway Drive Fayetteville, NC 28305-	U.S. Bankruptcy Administrator (by electronic noticing)
Alton Jeffery Carthens And Vickie Baldwin Carthens 143 Wheatfield Court , Raeford NC 28376-	